

**DATE: 02-10-10**

**COMMITTEE: ZONING COMMITTEE**

**ORDINANCE I. D: 10-O-0043**

**RESOLUTION:**

**AMENDMENT:**

**PAGE NUMBER(S):**

**SECTION(S):**

**PARAGRAPH(S):**

**AMENDS THE LEGISLATION BY ADDING 13 CONDITIONS WHICH INCLUDES A SITE PLAN DATED 12/22/09 BY BUREAU OF PLANNING.**

**AMENDMENT DONE BY COUNCIL STAFF 2/10/10**

City Council  
Atlanta, Georgia

**10-O-0043**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**Z-09-15**  
Date Filed: 4-14-09

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **87, 99 West Paces Ferry and 91 West Paces Ferry Road, Units 1-7 and 9; 91 West Paces Ferry Road, Unit 8; 3188 Paces Ferry Place; 3198 Paces Ferry Place and 3204 (aka 3202 Paces Ferry Place)**, be changed from the C-1-C (Community Business – Conditional) District and R-LC (Residential Limited Commercial) District to the PD-MU (Planned Development-Mixed Use) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 99, 17<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, “Planned Development District”, and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**CONDITIONS FOR Z-09-15**

**for**

**87, 99 West Paces Ferry and 91 West Paces Ferry Road, Units 1-7 and 9; 91 West Paces Ferry Road, Unit 8; 3188 Paces Ferry Place; 3198 Paces Ferry Place and 3204 (aka 3202 Paces Ferry Place)**

1. A site plan entitled "87-99 West Paces Ferry Rezoning Application" dated 11/02/2009 by Lord Aeck Sargent Architecture and marked received by the Bureau of Planning December 22, 2009.
2. Height of the building, including any mechanical and decorative structures shall not exceed 325 feet.
3. At least one level of the parking deck shall be van pool accessible.
4. Developer shall provide the maximum of either (a) 25 bicycle parking spaces or (b) the number of bicycle parking spaces required by the City of Atlanta, whichever is greater. These spaces shall be located as close as practicable to the building while, in the developer's sole discretion, maintaining the architectural integrity of the building and its landscaping and hardscaping schemes.
5. Permanent storm water detention shall be located below grade or will not be visible from the public right-of-way. The project, upon completion, shall release storm water runoff at a rate equal to sixty percent (60%) or less of the predevelopment storm water runoff rate.
6. All dumpsters shall be screened from public rights-of-way.
7. Any public commercial dry cleaning facilities shall be a collection facility only and shall not contain dry cleaning equipment except for laundry/dry cleaning facilities within the hotel and/or residential portions of the development and solely serving the hotel and/or residential uses in the development.
8. Prior to the beginning of demolition, a demolition management plan for demolition traffic will be prepared and will be delivered to the Development and Transportation Chair of NPU-B and to the Director of the Bureau of Planning for review. Likewise, prior to the beginning of construction, a construction management plan for construction traffic will be prepared and will be delivered to the Development and Transportation Chair of NPU-B and to the Director of the Bureau of Planning for review. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning prior to issuance of a Special Administrative Permit.

9. These conditions of zoning shall be binding upon all successors and assigns of the developer. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning. Developer will not request any administrative amendment without providing evidence that notice of such request has been given to the Chair of the Zoning Committee of NPU-B which seeks to:

- (a) increase the square footage of any building or the number and/or location of parking spaces;
- (b) change any of the uses or location of said uses specified except as provided in paragraph 1;
- (c) decrease any required exterior setback or the amount of landscaped area;
- (d) materially reduce public access or public spaces; or
- (e) otherwise materially alter these conditions.

Developer will have the right to request administrative changes without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta or to address site conditions.

10. The development shall meet the streetscape requirements found in Sections 16-18I.016, 16.18I.017, 16-18I.018 and 16-18I.030 of the 04-15-2009 Final Draft of the SPI-9 Buckhead Overlay District, as may be amended upon adoption by the City of the revised SPI-9 Buckhead Overlay District regulations.
11. Prior to issuance of a special administrative permit for construction of the improvements, developer shall provide the Chair of the Zoning Committee of NPU-B a copy of the shared parking analysis for the development.
12. Exterior lighting on the building and the parking deck shall be designed, shielded and constructed so as to minimize light spill into the single family homes in the South Tuxedo Park and Peachtree Heights West neighborhoods.
13. Prior to the recording of a final plat for the development with Fulton County the final plat shall be reviewed and approved by the appropriate City Departments. The applicant will submit the final plat to the Bureau of Planning first and the Bureau will advise the applicant of the process.



City Council  
Atlanta, Georgia

10-0-0043

Z-09-15

Date Filed: 4-14-09

AN ORDINANCE  
BY:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

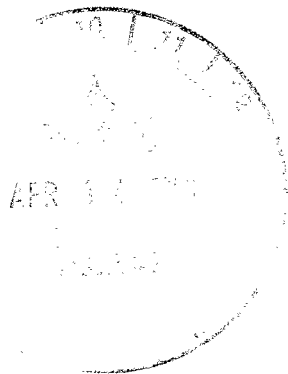
SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **87, 99 and 91 West Paces Ferry Road, Units 1-7 and 9; 91 West Paces Ferry Road, Unit 8; 79 West Paces Ferry Road; and 3188 Paces Ferry Place, N.E.** be changed from the C-1-C (Community Business –Conditional) District and R-LC (Residential Limited Commercial) District to the PD-MU (Planned Development-Mixed Use) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 99, 17<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.



Legal Description  
Exhibit A

All that tract or parcel of land lying and being in Land Lot 99, 17th District, Fulton County Georgia, containing 151,770.5 sq. ft. or 3.484 acres, as shown on Composite Survey For 800 Corporation, prepared by West Georgia Surveyors, Inc., dated April 7, 2009 and being more particularly described as follows:

Beginning at the intersection of the northerly R/W of West Paces Ferry Road, said R/W being 80' in width, with the westerly R/W of Paces Ferry Place, said R/W being 50' in width; thence  $N64^{\circ}33'00''W$  along said northerly R/W of West Paces Ferry Road for a distance of 85.00' to a point; thence continuing along said R/W  $N66^{\circ}38'21''W$  for a distance of 75.00' to a point; thence continuing along said R/W  $N65^{\circ}32'20''W$  for a distance of 162.57' to a point; thence continuing along said R/W and following the curvature thereof an Arc distance of 161.91' to a point, said Arc being subtended by a chord of  $N56^{\circ}55'04''W$  a distance of 161.55'; thence leaving said West Paces Ferry Road R/W  $N33^{\circ}07'39''E$  for a distance of 311.10' to a point; thence  $S56^{\circ}11'21''E$  for a distance of 160.00' to a point; thence  $N02^{\circ}46'39''E$  for a distance of 45.00' to a point; thence  $S89^{\circ}21'13''E$  for a distance of 199.30' to a point located on the westerly R/W of Paces Ferry Place, said R/W being 50' in width; thence  $S01^{\circ}20'45''W$  along said R/W for a distance of 120.00' to a point; thence continuing along said R/W and Following the curvature thereof an Arc distance of 75.05' to a point, said Arc being subtended by a chord of  $S05^{\circ}57'16''W$  a distance of 75.02'; thence continuing along said R/W  $S15^{\circ}02'41''W$  for a distance of 249.95' to the point of beginning.

R-09-15

RCS# 2980  
5/18/09  
2:40 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

09-O-0841, 09-O-0842, 09-O-0843, 09-O-0844  
09-O-0845, 09-O-0846  
REFER ZRB/ZONE

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	B Mitchell
Y Hall	NV Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE



DEPARTMENTAL AUTHORIZATION

CHAIRMAN	<i>Mark S. Hall</i>
Date	
ON	<u>11-18-09</u>
UNTIL	<u>December 2009</u>
ZONING REVIEW BOARD	
DEFERRED	

CHAIRMAN	<i>Mark S. Hall</i>
Date	
ON	<u>11/18/09</u>
UNTIL	<u>12/31/09</u>
ZONING REVIEW BOARD	
DEFERRED	

CHAIRMAN	<i>Mark S. Hall</i>
Date	
ON	<u>11-18-09</u>
UNTIL	<u>9-09</u>
ZONING REVIEW BOARD	
DEFERRED	

09-0-0842

(Do Not Write Above This Line)

AN ORDINANCE Z-09-15  
BY: ZONING COMMITTEE

An Ordinance to rezone from the C-1-C (Community Business -Conditional) District and R-LC (Residential Limited Commercial) District to the PD-MU (Planned Development-Mixed Use) District, property located at 87, 99 and 91 West Paces Ferry Road, Units 1-7 and 9; 91 West Paces Ferry Road, Unit 8; 79 West Paces Ferry Road; and 3188 Paces Ferry Place, fronting approximately 445 feet on the west side of Paces Ferry Place at the northwest corner of West Paces Ferry Road. Depth: varies. Area: 3.484 acres. Land Lot 99, 17<sup>th</sup> District, Fulton County, Georgia.

OWNER: 800 CORPORATION,  
LUDWIG I FLA. CORPORATION  
AND WOODLANDS OF  
GEORGIA, INC. C/O MILLER AND  
MARTIN PLLC, 79 WEST  
PACES FERRY, LLC., AND  
MRS. JACQUELINE

SNELLING  
APPLICANT: 800 CORPORATION  
PUBLIC COUNCIL DISTRICT 7

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred 5-18-2008

Referred To: Jerry J. 2008

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee: Zoning  
Date: May 13, 2008  
Chair: Carolyn Anderson  
Referred To: Council

Committee	Committee
Date	Date
Chair	Chair
Action	Action
Fav, Adv, Hold (see rev. side)	Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action	Action
Fav, Adv, Hold (see rev. side)	Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION